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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/525,084 | 02/22/2005 | Kris Tomaszewski | 19339-100658 | 5015 |

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EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3676

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on July 17, 2006.

Election/Restrictions

2. Applicant's election without traverse of Species #1 in the reply filed on July 17, 2006 is acknowledged. Claims 8-11 are withdrawn from consideration.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the abstract exceeds the 150-word limit. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3 are rejected** under 35 U.S.C. 102(b) as being anticipated by EP Pat No 1,178,172 to Kalsi.

Regarding claim 1, Kalsi discloses an actuator for a latch comprising first and second articulated levers, wherein the first lever (20) includes at least one cam follower (64) and the second lever (16) includes at least one stop member (48a and 50a) that pivots between first and second positions as each lever travels between first and second positions.

A cam (14) has at least one cam-driving member (70) and at least one cam stop member (38 and 40).

A power actuator (placed at 22) is operatively engaging the cam effecting a driving movement of the cam.

The at least one cam driving member (70) has a path of travel that is in engaging alignment with the at least one cam follower (64) for a portion of the travel (Figure 13) and is in disengaging alignment with the at least one cam follower for another portion of the travel (Figures 14 and 15).

The at least one cam stop member (38 and 40) abuts the at least one stop member (48a and 50a) of the second lever when the at least one cam driving

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member is in the non-aligned position and wherein the levers may be activated without driving the cam.

As to claim 2, Kalsi discloses that the driving of the cam by energizing the actuator effects the pivoting of the first and second levers between the first and second positions or vice versa.

As to claim 3, Kalsi illustrates that the first and second levers (16 and 20) are disposed substantially orthogonal to one another.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 7 is rejected** under 35 U.S.C. 103(a) as being unpatentable over EP Pat No 1,178,172 to Kalsi as applied to claim 3, and further in view of US Pat No 4,518,181 to Yamada.

Kalsi fails to positively disclose or illustrates that the cam is rotatably mounted to a support and includes a toothed circumference in meshing engagement with a gear associated with the power actuator.

Yamada teaches that it is well known in the art to provide a cam (62) in meshing connection with a gear (61) associated with a power actuator (M).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the connection of the cam with the actuator described

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by Kalsi with a gear connection, as taught by Yamada, since it would be considered as a design consideration within the art that would not affect the movement of the cam by means of the actuator.

Allowable Subject Matter

9. **Claims 4 and 5 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. **Claim 6 would also be allowed** because the claim depends from claim 5.

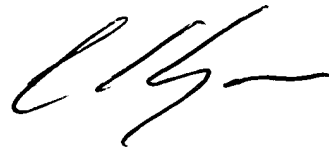
At the instant, the prior art fails to disclose that the first and second levers are articulated via a ball and fork linkage (claim 4) and that the at least one lever stop member comprises a shaft extending from the second lever in a direction substantially parallel to the first lever and wherein the shaft has an arm which pivots between the first and second positions (claim 5).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'CLG', followed by a horizontal line.

Carlos Lugo
Patent Examiner
Art Unit 3676

September 1, 2006.